



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ५, अंक ३२ ]

मंगळवार, ऑगस्ट ६, २०१९/श्रावण १५, शके १९४९

[ पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ७७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Local Authority Members' Disqualification (Amendment) Ordinance, 2019 (Mah. Ord. XVII of 2019), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,  
Secretary (Legislation) to Government,  
Law and Judiciary Department.

(Translation in English of the Maharashtra Local Authority Members' Disqualification (Amendment) Ordinance, 2019 (Mah. Ord. XVII of 2019), published under the authority of the Governor).

### RURAL DEVELOPMENT DEPARTMENT

Bandhkam Bhavan, 25, Marzban Path, Fort, Mumbai 400 001  
dated the 6th August 2019.

### MAHARASHTRA ORDINANCE No. XVII OF 2019.

#### AN ORDINANCE

*further to amend the Maharashtra Local Authority Members' Disqualification Act, 1986.*

WHEREAS, both Houses of the State Legislature are not in session;

AND WHEREAS, the Governor of Maharashtra is satisfied that circumstances Mah. XX exist which render it necessary for him to take immediate action further to amend of 1987. the Maharashtra Local Authority Members' Disqualification Act, 1986, for the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title and  
commence-  
ment.

1. (1) This Ordinance may be called the Maharashtra Local Authority Members' Disqualification (Amendment) Ordinance, 2019.

(2) It shall come into force at once.

Amendment of  
section 2 of  
Mah. XX of  
1987.

2. In section 2 of the Maharashtra Local Authority Members' Disqualification Act, 1986,—

Mah. XX  
of 1987.

(i) for clause (h), following clause shall be substituted, namely :—

“(h) “Municipal Council” means a Municipal Council constituted under the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 and also includes the *Nagar Panchayat* constituted under the said Act ;”;

Mah. XL  
of 1965.

(ii) in clause (m), after sub-clause (iii) the following sub-clause shall be added, namely :—

“(iv) in relation to the Municipal Council, means the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 ;”.

Mah. XL  
of 1965.

## STATEMENT

The Maharashtra Local Authority Members' Disqualification Act, 1986 (Mah. XX of 1987) is enacted to prevent the defection in local authorities. Sub-section (1) of section 3 of the said Act provides the grounds of defection for disqualification for being councillor or member of the local authorities. Sub-section (1) of section 3A provides that, if a councillor or a member belonging to any political party or *aghadior* front is disqualified under clause (b) of sub-section (1) of section 3, he shall be disqualified for being a councillor or a member for six years from the date of his disqualification.

2. In view of the provisions of clause (a) of article 243Q of the Constitution of India (as inserted by the Constitution 74th Amendment Act, 1992) and section 341-A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, a *Nagar Panchayat* is constituted in respect of transitional area, being an area in transition from a rural area to an urban area.

3. With a view to include the Councillor of the *Nagar Panchayat* within the ambit of the Maharashtra Local Authority Members' Disqualification Act, 1986, so as to prevent their defection, it is considered expedient further to amend the said Act of 1986, suitably.

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Local Authority Members' Disqualification Act, 1986 (Mah. XX of 1987) for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,  
dated the 3rd August 2019.

CH. VIDYASAGAR RAO,  
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

ASEEM GUPTA,  
Principal Secretary to Government.